

5/ 12 **A C T**  
Repealing all Acts of  
**PARLIAMENT**  
OR  
**COMMITTEE,**

Made for the late unlawfull Engage-  
ment, and ratifying the

**PROTESTATION**  
AND  
**OPPOSITION**  
against the same.

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**EDINBURGH,**  
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Kings most excellent Majesty, 1649.



T C A

IN PARLIAMENT

ASSEMBLED

IN THE HOUSE OF COMMONS

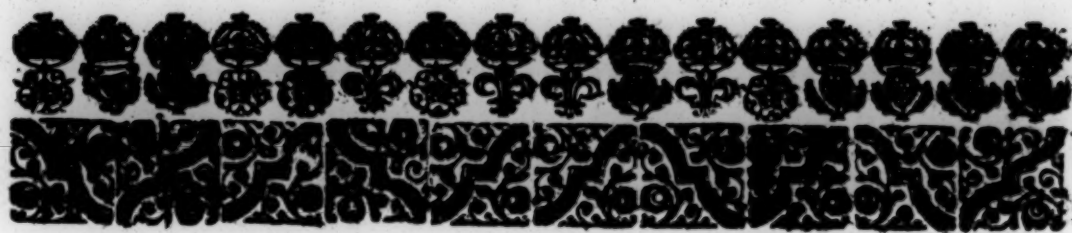
PROTESTATION

OPPOSITION

AND

DECLARATION

OF THE MEMBERS OF PARLIAMENT  
IN THE HOUSE OF COMMONS  
ON THE 14TH DAY OF JANUARY 1793



# A C T

Repealing all Acts of Parliament or  
Committee, made for the late  
unlawful Engagement, and ratifying the Pro-  
testation, and opposition against the same.

*At Edinburgh the sixteen day of January the year of God  
One thousand six hundred forty nine years.*

**T**HE Estates of Parliament presently  
conveened in this second Sessio[n] of  
the second Trienniall Parliament by  
vertue of an Act of the Committee  
of Estates, who had Power and Au-  
thority from the last Parliament for  
conveening of the Parliament, Taking  
to their most serious considerations (after so great judg-  
ments and deliverances on Gods part, and after so So-  
lemn an Acknowledgment and Covenant renewed on  
their part) the Acts of the last Sessio[n] of Parliament,  
Beginning the second of *March*, and ending the tenth  
of *June* 1648. And of the Committee of Estates be-



fore *September* last, and the proceeding of the Forces raised by them in the first and second Levie, and these brought out of *Ireland*; and of the Committees of War in the severall Shires appointed by them with the grounds, reasons, and pretences therefore whither contained in the Kings concessions at the Isle of *Wight*, or set down in their Declarations, as in the fourth and seventh, sixteen, twenty six, twenty seven Acts of the last Parliament, and in their Declaration to the Kingdom of *England*, emitted by the Committee of Estates the twenty eight day of *June* last when their Army went into *England*, in establishing, carrying on, and prosecuting the late Engagement against the Kingdom of *England*, and raising the first and second Leavie, in pressing the same at home by unlawful Bands and cruel Plunderings; and in rejecting all Warnings, Petitions, Remonstrances from the Kirk Judicatories, and from Shires at home; and all Remonstrances and offers of Treaty made from the Parliament of *England* by their Commissioners, in refusing to declare the Kings Concessions at the Isle of *Wight* unsatisfactory to them, in trampling under foot the Liberties of the Church at home, in invading of the Kingdom of *England*, and surprizing of their Towns, and marching through their Counties, and associating with the Malignant party there; in returning after their defeat to *Scotland*, to renew their oppression in this Kingdom, and invasion of *England*; and to that end in the raising of new Forces, sending Commissions to the classed Incendiaries of this Kingdom (who by standing Acts of Parliament were debarred from all Trust, for their joyning in the late Rebellion) and in many other ways, acts, and deeds profe-



cuting their designe at home and abroad. And considering the severall offers and desires made by the Commissioners of the Kingdom of *England* for continuing the Peace and Union, and the many earnest and humble Petitions from severall Shires, and the most part of Provinciaall Synods and Presbyteries; and the just and necessary Desires, Remonstrances and Declarations of the Commissioners of the Church to the Parliament and Committee, with their unsatisfactory Answer thereunto; and the Papers past betwixt the late General Assembly and the Committee, and the Dissent and Protestations entred in the Parliament by a great number of every Estate, and that of such as hath been most instrumental and constant in this Cause since the beginning. And withall, taking to their serious consideration the manifold solid reasons against the Engagement, expressed in the Remonstrances of the Commission of the Kirk given in to the Parliament; And of the unanimous Declaration of the late General Assembly, and the reply of their Commissioners, demonstrating from the Word of God the unlawfulnessse of the said Engagement, and evidencing the many Breaches of Covenant and Treaties of Peace, the many wrongs done to the Liberties of the Church, and oppressions of the people of God; and many other unlawfull ingrediences in the matter, manner, nature and effect of that Engagement: And therefore denouncing Gods judgment against it, And warning the people to do their duty for the Cause of God and to the Covenant against all lets and impediments. All which was seconded so speedily and immediately by Gods own hand, stirring up the hearts of his conscientious People to the resolution of

opposing so great a defection from the Cause and Covenant. And by his performing the Countsell of his Messengers and confirming the words of his servants in the defeat of that Army, and their overthrow in *England* with their associates in *England*: As also in scattering of the remainder of that force returned unto *Scotland*, and joyned with these who at home were enslaving this Kingdom, and in devesting them with their own consent by Treaty (with so little blood) of all outward force and exercise of State-power, untill the determination of this Parliament. And the Estates pondering seriously the great necessity, and manifold reasons pressing the Protesters in Parliament with the assistance of the constant Covenanters throughout the Land, To make that opposition in Armies, so trysted, directed and countenanced by Gods own good hand upon them as is more expressed in the Declaration of the Committee of Estates of the seventh of *October* last; and Information of the Kirk, published to the view of the world upon the ninth day of *October* last.

Therefore, and for many other reasons and considerations, convincing them in their consciences, That the foresaid proceedings of the late Parliament and Committee in the appointing and prosecuting that Engagement against *England*, and in the oppressing of the Church in her Liberties, and of the good People throughout the Land in their persons and estates: And which is most of all, in their consciences by force and violence, causing the people to sin, after they had declared by their Petitions the same was against the light of their consciences, were unlawfull before God, and against his Word, were breaches of the Solemn League and



and Covenant (which being an Oath to GOD so necessary is not alterable by any humane Authority) and of the Treaties betwixt the Kingdoms, and under pretence of doing for Religion, for the King, for the Kingdoms, did really tend (as doth now more appear) to the ruining of Religion, undoing of the King, and dividing of the Kingdoms; And which in few moneths hath more wasted the substance of this Kingdom, and especially of the wel-affected, then all our former troubles; And hath led out a forced multitude to slaughter or slavery, with so great reproach and disgrace to the Nation, and occasioned a powerfull Army to enter the bowels of this Kingdom in pursuit of their enemies who had invaded *England*, to the great endangering of this Kingdom, and so laying the Land open, and making it lyable to the guilt and miserie of an unjust and offensive War, drawing down Gods judgements, and exposing us and our posterity to invasion from our neighbour Kingdom, if God in his providence had not remedied the same. As the Estates of Parliament have made before God a *Solemn Acknowledgement* of the publick sins and breaches of the Covenant, and a Solemn Engagement to all the duties therein contained, Namely these which do in a more special way relate unto the dangers of these times, that Gods judgement drawn upon the Nation by such a sinfull course by a prevalent party of the representative body may be removed, and the like in time coming prevented; So also that all pretence of Law at home for prosecuting of these courses; And that all pretence of quarrell from abroad against this Nation for the same may be taken away; And to testify the firm resolution and earnest desire of this Kingdom



Kingdom to preserve inviolably the Union betwixt the Kingdoms. The Estates foresaids, do hereby finde and declare the Kings Concessions at the Isle of *VVight*, and late Declarations emitted by the Parliament and Committee, to be unsatisfactory to them, and destructive to the Cause and Covenant: And doth disclaim, condemn, annull, repeal, and declare to be void and of non-effect the Acts aftermentioned, as being in themselves from the beginning unjust and unlawfull, and contrary to the Word of G O D, and Solemn League and Covenant, and large Treaty betwixt the Kingdoms, The fourth Act intituled, *Act anent the resolutions of Parliament, concerning the breaches of the Covenant and Treaties betwixt the Kingdoms of Scotland and England, and demands for reparation thereof*. The sixth Act, intituled, *Act for putting of the Kingdom in a posture of VVar for defence, and constituting the Committees of VVar of the severall Shires*. The seventh Act, intituled, *A Declaration of the Parliament of Scotland, to all his Majesties good Subjects of this Kingdom, concerning their resolutions for Religion, King, and Kingdoms in pursuing the Ends of the Covenant*. The eighth Act, intituled, *Desires of the Parliament of Scotland, to the Honourable Houses of the Parliament of England*. The ninth Act, intituled, *Act anent the Levies of horse and foot to be put out by the Shires and Burghs, and the List of the Colonels, with their numbers*. The eleventh Act, intituled, *Act in favours of the out-reikers of Horse and Foot*. The sixteenth Act, intituled, *A Letter from the Parliament of Scotland, to the severall Presbyteries within the Kingdom*. The eighteenth Act, intituled, *Act anent the Oath to be taken by the Committees of VVar in the severall Shires*. The nineteenth Act

*Act, intituled, Act and Ordinance concerning the Garrisons within the Kingdom, for provision of the Forces thereof, and adding of two moneths Maintenance to the former five: The twenty Act, intituled, Act for raising of Troops. The twenty third Act, intituled, Act Ordaining all Ministers to exhort their people to obedience to the Laws of the Kingdom, and assuring these Ministers of their stipends, during their lifetimes. The twenty fourth Act, intituled, Act Ordaining the whole Members of Parliament, Noblemen, Barons, Burgeses, and all other Subjects and inhabitants of the Kingdom to subscribe this Act for defence of the lawfulness of this Parliament, and obedience to the Acts thereof. The twenty sixt Act, intituled, Act and Declaration of Parliament, and Answer to the supplications from Synods and Presbyteries. The twenty seventh Act, intituled, Act and Declaration of Parliament, in Answer to the Petitions presented to them from some Committees of War of Shires. And all other Acts, or parts, or clauses of any other Act of the last Parliament published, and grounds and pretences thereof, in so far as they import, the approbation, pursuance, or furtherance of the said late unlawfull Engagement. And this generall clause, is declared to be also sufficient for repealing and annulling of them, as if the tenour thereof were herein insert, wherewith the Estates dispense.*

*Siclike the Estates annuls, rescinds and repeals among the imprinted Acts, the Commission granted to the close Committee, concerning Berwick and Carlisle, against which divers Members of Parliament entred their dissent and Protestation, the Commissions granted to Duke Hamilton, and other Officers of the Army; The Ordinance in favours of these that protested*



in *Fyfe*, and *Haddingtoun*; The Ordinance for giving thanks to these, who in the severall Shires presented Petitions, or writ Letters for encouraging the Parliament to go on in the Engagement: The Act anent the Colledge of Justice, and their Colonell. The Act anent the Lord *Cochrane*, Laird *Garthland*, and *Alexander Crawford* their going to *Ireland*: The Act ratifying the Acts of Committee made in the recess of Parliament; and all other unprinted Acts, or clauses of unprinted Acts, grounds, and pretences thereof, in so far as they import the approbation, pursuance or furtherance of the said late unlawfull Engagement. And this generall clause is declared to be als sufficient for repealing, and annulling them as if the tenours thereof were herein insert.

In like manner the Estates of Parliament condemns, annuls and rescinds all the Acts of the Committee of Estates, contained in the table subjoynd to this Act, And all other Acts or parts, or clauses of any other Acts of the said Committee of Estates, grounds and pretences thereof, in so far as they import the approbation, pursuance, or furtherance of the said late unlawful Engagement; and this generall clause is declared to be also sufficient for repealing and annulling of them as if the tenour thereof were herein insert, wherewith the saids Estates dispense.

And in like manner, do annull, condemn, and repeal all Acts made, and deeds done by the former Parliament and Committee of Estates, contrary to the Liberties of the Kirk, or any wayes encroaching upon the same, in particular these which follow; First, their emitting of Declarations, containing things highly concerning



cerning Religion, not only without advice and consent of the GENERAL ASSEMBLY and their Commissioners, but contrary to their express Desires, Supplications, Remonstrances and Declarations, declaring the same to be dangerous and destructive thereto, especially the restoring of the King to honour, freedom and safety, without sufficient security first had from him for securing of Religion, as is more fully expressed in the Desires and Representation of the Commissioners of the Generall Assembly: Secondly, the putting of an unsound gloss in the close of the Declaration of the Parliament upon the Covenant; and Acts of the Generall Assembly, in these things that concern our duties to the King, as is clearly holden forth in the Representation of the Commission of the Assembly. Thirdly, The making provision for securing of the stipends of such Ministers as shall be censured for their concurring in, or preaching for the unlawfull Engagement against *England*: Fourthly, their gross misrepresenting of the proceeding of the Commission of the Generall Assembly by the Parliaments Letter of *May* the eleventh, to the severall Presbyteries, and endeavouring to incense them against the Commission of the Generall Assembly, and to pre-possess with prejudices the Commissioners to the following Assembly. Fifthly, the taking upon them in the Act and Declaration of the Parliament, commonly called the Band, to judge and determine such things without advise of the Kirk, wherein the Assemblies of the Kirk have a special interest of an antecedent judgement, as who are enemies to Religion, and who not, and what are the most fit and necessary remedies for preserving of the same. Sixthly, their depriving of the Generall

**Assembly and their Commissioners of the liberty of Printing, by putting an inhibition to the contrary upon Printers, under the pain of death, against severall Acts of Parliament, Declaring and confirming the Kirks Libertie and Priviledge of Printing: And siclike disclaims and condemns their impious usurpation in calling in the printed Copies of the Causes of a solemn univerval Fast and Humiliation, indicted by the Commissioners of the Assembly, and inhibiting of the Printer to give any out of his hands, thereby intending to interrupt the observing of the Fast by the want of information of the Reasons and Causes thereof; And also annuls, and repeals, disclaims and condemns, all and fundry other Acts made, and deeds done by the said Parliament or Committee of Estates, or by their Authority that may infer any prejudice to Religion, or the power, priviledges and Liberties of the Kirk which we are bound by so many strong Bands and Solemn obligations to maintain: And siclike annuls and rescinds all Acts of Committees of Shires, or Burghs Royall, or of Regality, Barony Courts, or other Judicatories whatsoever made in pursuance of that Engagement; And Ordains all the subscribed Copies of the Band, condemned by the Generall Assembly, to be brought in to the Parliament or Committee of Estates, to be disposed of as they shall think fittest: And all other Acts, grounds, and pretences thereof, in so far as they import the furtherance, or pursuance of the said late unlawful Engagement. Likeas the Estates of Parliament, upon the manifold abovementioned grounds more fully related in the Declaration of the Committee of Estates, and Information of the Kirk, being perswaded**



swaded that the Protestations of the Members made in Parliament, and their Opposition since by defensive Armes for the safety of the Covenant, Cause, and themselves from ruine against so great a defection, carried on with so great oppression; and their proceedings in the Treaty at *Stirling*, divesting the ingagers with their own consent, of power and force which they had in their hands; and their assurance given by the Act of the sixt of *October* to the Kingdom of *England* for debarring of the Authors and Abettors of that Engagement from places of publick Trust or Power without their consent, which was demanded by their forces as the least satisfaction and security before their removal and their proceedings by publick Acts in the pursuance of these two Treaties, to seclude those who had concurred in the Engagement from power in Judicatories, Armies, or places of Trust untill the determination of a Parliament were lawful in themselves, and necessary for them according to the condition of affairs. Therefore the Estates of Parliament did allow, approve of and confirm the Dissent and Protestation made in Parliament by many Faithfull Members of each Estate, whereof the tenour follows. "Whereas the draught  
 " of a Declaration hath been read concerning the breaches of the Covenant in matters of Religion, and the  
 " Demands to be made for remedy and reparation  
 " thereof, the dangers to Religion, and the duties  
 " whereunto we are obliged by Covenant, for Reformation and Uniformity in Religion, and the security  
 " to be had for the establishing the same: upon which  
 " grounds also a War is principally founded: And  
 " whereas we have earnestly desired and insisted, that



"there may be no proceeding to any determination con-  
 "cerning the said Declaration, before the Commission  
 "of the General Assembly be first consulted therein: We  
 "do hereby enter our Dissent from proceeding to the  
 "determination of matters so highly concerning Re-  
 "ligion, without the advice and concurrence of the  
 "Kirk, as a preparative of most dangerous consequence  
 "to Religion, and destructive to the Liberties of the  
 "Church; as contrary to the Nationall and Solemn  
 "League and Covenant, and to the known Laws and  
 "constant practise of this Kingdom. And we do Pro-  
 "test, that we may not be included in any such Vote or  
 "Resolution, but may be free of all the guiltiness,  
 "confusions, distractions, and evils whatsoever that  
 "may follow thereupon to Religion, the King, this  
 "Kirk and Kingdom, and the union betwixt the King-  
 "doms.

And siclike allowes the rising of such Shires and o-  
 thers who joyned in Armes for opposing of the said en-  
 gagement, and rescuing the Kingdome from the op-  
 pression of the forces under the command of the Earle  
 of *Crawford*, Earle of *Lanerk*, and *George Monro*, and  
 their proceedings in pursuance thereof, and also ratifies  
 the late Treaty at *Stirling* and *Edinburgh*, upon the  
 twenty sixt and twenty leventh of *September* last; and  
 siclike allowes the Treaty and Engagement to the  
 Kingdome of *England* by their answers of the sixt of  
*October* last, for debarring of the ingagers from publick  
 trust in this Kingdome without their consent. Siclike  
 the two Acts of Committee of the twenty second of  
*September*, and fourth of *October*; and the Act of the  
 ninth of *November*, all made for debarring of these who  
 concurred

concurred in the late Engagement, from the exercise of publike places or trust untill the determination of this Parliament. Likewise the Declaration of the Committee of Estates concerning their proceedings in opposition to the late unlawfull Engagement against *England* of the date the seventh of *October* last, published to the world; and the Act of the said Committee for making of the publike acknowledgement, and renewing of the Covenant, and the Act of the Committee of the fourteen of *October* last: All which the Estates of Parliament as is aforesaid doe allow, confirm, and ratifie in all the Heads, Clauses, and Articles therereof. And this generall clause is declared to be als sufficient for ratifying and confirming the saids Acts and Clauses thereof, as if the Tenors of the same were here particularly insert; Wherewith the Estates foresaids doe hereby dispense. Followes the list of the Acts of the Committee of Estates for advancing the Ingagement. Act for displacing of such of the Committee of Warre as would not take the Oath. Act for sending the forty thousand pounds to *Ireland*. Warrant to quarter upon the deficientes in the unlawfull Ingagement. Letters to severall Shires for advancing the Levie. Letters, Commissions, Desires, and Answers for bringing the forces out of *Ireland*. Warand for imprisoning the Magistrates and Counsell of *Glasgow*, for their deficiencie in the Levie. The Oath to be taken by the Committee for maintaining the proceedings of Parliament. Approbation of the Earle of *Callendar* and Generall Major *Middleton* for their base, cruell and unnaturall proceedings, against the honest and conscientious people that met at *Machline Moore* for their own defence, whilk was not done without the basenesse



baseness and treachery of some. Protection to the  
 Captain of *Clanrainold*, and *MacIene* excommunicate  
 bloody Rebels. Act for stopping of printing; notwith-  
 standing the Kirks liberty. Letter to the army in *Ire-*  
*land* to proceed against these that refused to obey their  
 Orders for the Ingagement, as enemies to Religion,  
 King, and Kingdomes. Warrant to Duke *Hamilton*  
 to Garison the houses of the best affected in the West.  
 Warrant to the Marquesse of *Argyle* to deliver *Lamond*.  
 Commission to the Earle of *Crawford* to command the  
 forces that come out of *Ireland*. Act for drawing Dit-  
 trayes against the Ministers, and for continuation of their  
 processe untill a new citation. Commission to Sir *Ro-*  
*bert Douglas* of *Blakerstone* (a prime classed malignant,  
 for having hand in the rebellion of *James Grahame*) to  
 uplift the fines of the honest men in the West, for being  
 at *Mauchlin Moore*. Commission to young *MacIene*  
 who had been in the Rebellion to be a Collonell. De-  
 claration anent the Lord *Inchiquin* and his army. War-  
 rand to Duke *Hamilton* to invade *England*. The De-  
 claration of the Committee of Estates anent the neces-  
 sity of invading of *England*. Act for repaying monies ad-  
 vanced for the Ingagement. Letters to *Lambert* to joyn  
 with Duke *Hamiltons* army. Warrant to Mr. *George*  
*Halyburton* to borrow mony in *England* upon publick  
 faith unlimited. Letters to the King and Parliament of  
*England* shewing their intentions in the Engagement,  
 sent with Mr. *George Halyburton*. Act taking of Sir  
*John Drummonds* restraint. Commission to *Lauderdale*  
 to secure Berwick. Severall answers of the Committee  
 of Estates, and messages to the Generall Assembly  
 most unsatisfactory. Protection of *Patrick Leslie* from  
 the



the censure of the Generall Assembly. Imprisonment of *Greenhead* and Colonell *Scot*. Approbation of the Lord *Cochrane*, and Laird of *Garthlands* proceedings in *Ireland*. Act allowing of twenty thousand pounds to Lord *Cochrane*, and Laird of *Garthland*. Act for the new Levie of one thousand five hundred horse, under pretext of ane Guard to the Prince. Commission to *Macintosh* for ane Garison to the house of *Innerlochie*. Warrant to levie Troopes for advancing the Ingagement. Commission to Duke *Hamilton* to be Governour of *Berwick*, and the Earle of *Calendar* of *Carlisle*. Precept to Generall Major *Robert Monroe* for ane thousand pound sterling. Warrant to the Commissioners to deliver victuall to *Seaforth*, *Machlene*, and *Macdonald*, who were in the former rebellion for entertaining of their force. Warrant to discharge the Garilons of *Dowart Moy*, and others; whereof the Marquesse of *Argyle* had the keeping. Commission to *Macconnel* to depute another in his place, himself & all his friends being in the Rebellion. *Macconnel* discharged of his former Rebellion, and imployed without finding caution. Act pardoning *Maclean*, notwithstanding of the Acts of the third and eight of *February* 1648. whereby he is declared to have forfeited their pardon. Charge to the Marquis of *Argyle* to deliver *Lamond* under the pain of Rebellion, and his escheat to fall. Warrant for removing all out of the Abbey. Act approving the cashiering of *Sir Dugald Campbell* of *Auchinbreck*, and *William Campbell* from their places in *Argyles* Regiment, and placing others therein, for their not concurrence in the Engagement. Act discharging the Presbyterie of *Linlithgow* from the exercise of their calling,

in admitting a Minister, and ordaining the Kirk doors to be locked. Letters relating to the Engagement. Letter for raising of the *Atholl* men, who had been in the Rebellion. *William Gordon* of Monymore, an active and bloody Instrument in the Rebellion, set at liberty freely. Warrant for publishing the Committees Observations. Princes Declaration and Information of publick proceedings, Earl of *Airlie* discharged of seventeen moneths Maintenance. The Petition from the Committee of *Stirling* Shire, anent their Ministers committed. New Commissions and Warrants, Earl of *Seaforth*, *Makgleud*, Sir *James Macdonell*, contrary to standing Acts of Parliament. Commission to the Earl of *Lanerk* to be General. Severall Letters expressing they would not live, and out live that Engagement. *Lauderdails* instructions, to bring Forraign Forces out of *France*, *Holland*, or elsewhere. Letters to the Cardinall of *France*. Blank Commission to *Lauderdail*. Warrant to engage the Publick faith of the Kingdom for money abroad, and for Armes and Ammunition. A strict union with *Holland*, for assisting the prosecution of the Engagement. Promise to restore the Queen. *Lauderdails* instruction to the Prince. Letters to the Queen, inviting her to return and to interpose. Letters to the Prince of *Orange* and States of *Holland*, requiring Forraign assistance. Commission to the Earl of *Seaforth*, Sir *John Mackenzie*, and all other Commissions for levying Forces. Act made at *Stirling* and other places, for bringing out all betwixt sixty and sixteen for their assistance. Act for giving to Sir *Harry Gih* two thousand pound *Stirling*. Commission for *Invercauld* his Regiment and watch. Act for assignments upon severall



( 17 )

severall Shires, for Maintenance and Excise, and specially *Air* and *Galloway*, and all others in that kinde. Disposition of the forfaultry of *Middelton*. Warrants to admit to the Committees of War these that were in the first and second Classes. Act for repaying money that was disburst for the Engagement. Assignment of the Excise to Captain *Maine* and Master *Mauld*. All others Acts done by these Members of the Committee, who had taken the Oath before or after the first of September at *Stirling*, or any where else, in prosecuting of the said Engagement, and opposition to the Covenanted Forces, risen in defensive Arms. And Ordains the same presently to be published at the Mercat Crosse of *Edinburgh*, and thereafter to be printed.

*William Scot*, Cler. Parl.

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E I N I S

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